## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AL-TARIQ SHARIF ALI BYRD,	)
Plaintiff,	Civil Action No. 18-1582
v. A.D.A. LAWRENCE ELLIOT SACHS, et al.,	) District Judge W. Scott Hardy ) Magistrate Judge Patricia L. Dodge )
Defendants.	) ) )

## MEMORANDUM ORDER

This matter comes before the Court on *pro se* Plaintiff Al-Tariq Sharif Ali Byrd's objections (Docket No. 39) to the Report and Recommendation ("R&R") of Magistrate Judge Patricia L. Dodge entered on December 8, 2020. (Docket No. 38). The R&R recommends dismissing Plaintiff's Complaint (Docket No. 3), filed on November 26, 2018, for failure to prosecute. Service of the R&R was made on Plaintiff by mail and he was informed that any objections to same were due by December 22, 2020. On December 22, 2020, the Court received correspondence from Plaintiff objecting to the R&R and arguing that his Complaint should not be dismissed. According to Plaintiff, his current conditions of confinement are preventing communication and access to the court system. (Docket No. 39). Nevertheless, Plaintiff explains that he received the Court's "notice" regarding "the Court's intent to dismiss" his lawsuit for failure to prosecute on December 11, 2020 (id.), his objections reached the Court as have various other items he has sent, and, as set forth in detail in the R&R, Plaintiff's failure to prosecute his case has been ongoing for quite some time.

In resolving a party's objections, the Court conducts a *de novo* review of any part of the

R&R that has been properly objected to. <u>See</u> Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. <u>See id.</u> Upon careful *de* 

novo review of the Complaint, the R&R and Plaintiff's objections, as well as the record as a

whole, the Court concludes that the objections do not undermine the R&R's recommended

disposition. Accordingly, the Court enters the following Order:

AND NOW, this 15th day of January, 2021,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (Docket No. 39) are

OVERRULED, and the R&R (Docket No. 38) is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Complaint (Docket No. 3) is DISMISSED

for the reasons set forth in the R&R.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

/s/ W. Scott Hardy

W. Scott Hardy

United States District Judge

cc/ecf: All counsel of record

Al-Tariq Sharif Ali Byrd, a.k.a. James Byrd (via U.S. Mail)

52773

Allegheny County Jail

950 Second Avenue

Pittsburgh, PA 15219

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